

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lubomyr M. Cymbalisty

Group Art Unit: Unassigned

Application No. Unassigned

Examiner: Unassigned

Filed: December 15, 2003

For: HYDRODYNAMIC STATIC MIXING
APPARATUS AND METHOD FOR USE
THEREOF IN TRANSPORTING,
CONDITIONING AND SEPARATING
OIL SANDS AND THE LIKE

INFORMATION DISCLOSURE STATEMENT

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under

37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
 - or*
 - the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- A copy of the foreign search report is enclosed herewith.
- The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s)

relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- No fee is owed by the applicant(s).**
- The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- Attached is a check in the amount of \$.
- Charge Deposit Account No. 12-1216 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

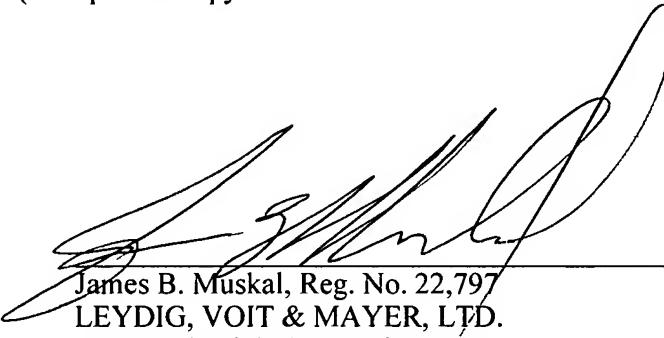
In re Appln. of Lubomyr M. Cymbalisty
Application No. Unassigned

Authorization to Charge Additional Fees

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

Credit Account No. 12-1216.
 Refund



James B. Muskal, Reg. No. 22,797
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Date: December 15, 2003

Please type a plus sign (+) inside this box →

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Unassigned
				Filing Date	December 15, 2003
				First Named Inventor	Lubomyr M. Cymbalisty
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	225593

U.S. PATENT DOCUMENTS						
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
A A		4,328,710	B1	Cymbalisty et al.	05/11/82	
A B		4,365,974	B1	Elmore et al.	12/28/82	
A C		4,597,852	B1	York et al.	07/01/86	
A D		4,721,560	B1	York et al.	01/26/88	
A E		4,786,368	B1	York et al.	11/22/88	
A F		5,039,227	B1	Leung et al.	08/13/91	
A G		5,264,118	B1	Cymerman et al.	11/23/93	
A H		5,839,828	B1	Robert W. Glanville	11/24/98	
A I		5,965,784	B1	Bracou et al.	10/12/99	
A J		5,967,658	B1	Kim Mohajer	10/19/99	
A K		6,119,870	B1	Maciejewski et al.	09/19/00	
A L		6,214,213	B1	Tipman et al.	04/10/01	
A M		6,264,900	B1	Schubert et al.	07/24/01	
A N		3,313,577	B1	S.E. Wolfe	04/11/67	
A O		5,080,534	B1	Goodson et al.	01/14/92	
A P		630,605	B1	Gordon et al.	08/08/1899	
A Q		1,451,272	B1	A.W. Robinson	04/10/1923	
A R		1,662,178	B1	Nathaniel A. Yuille	03/13/28	
A S		4,111,402	B1	Richard J. Barbini	09/05/78	
A T		4,314,974	B1	Libby et al.	02/09/82	
A U		4,725,287	B1	Gregoli et al.	02/16/88	
A V		4,983,319	B1	Gregoli et al.	01/08/91	
A W		5,597,236	B1	Julian B. Fasano	01/28/97	
A X		6,354,730	B1	Reeder et al.	03/12/2002	
A Y		6,467,949	B1	Reeder et al.	10/22/2002	

FOREIGN PATENT DOCUMENTS						Translation		
Examiner Initials	Doc. No.	Foreign Patent Document		Name of Patentee or Applicant	Date of Publication	Yes	No ⁺⁺	
		Office	Application or Patent Number					
BA	GB	521,548		B1	E.F. Spanner	05/24/1940		
BB	GB	569,000		B1	E.F. Spanner	04/30/45		

OTHER - NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.				Translation
		Yes	No ⁺⁺			
CA		Map entitled "What of the future" Tar sand areas of the world are now in focus, page 62a, <i>Construction Alberta News</i> , dated May 23, 1977.				
CB		Map entitled "Oil Sands Region", dated December 8, 2000.				
CD		Article entitled "Are Motionless Mixers on the Move?", <i>Process Engineering</i> , 10-22 thru 10-24.				
CE		Article entitled "The Potential of Helically Ribbed Pipes for Solids Transport" by W. Schriek; Reprinted from the Canadian Mining and Metallurgical Bulletin, October, 1974.				

Examiner Signature	Date Considered
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* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).